

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

VICTORIA CAREY, MARIE BURRIS,)
MICHAEL KISER, and BRENT NIX,)
individually and on behalf of all others)
similarly situated,)

Plaintiff,)

v.)

E. I. DU PONT DE NEMOURS AND)
COMPANY and THE CHEMOURS)
COMPANY FC, LLC,)

Defendants.)
_____)

Case Nos.: 7:17-CV-00189
7:17-CV-00197
7:17-CV-00201

NOTICE OF FIRST AMENDED CONSOLIDATED CLASS ACTION COMPLAINT

Please take notice that pursuant to Federal Rule of Civil Procedure 15(a)(2) and the Court's August 1, 2019, Order [D.E. 131 (17-CV-00189)], the above-captioned Plaintiffs today filed a First Amended Consolidated Class Action Complaint ("FAC"). To address the issues raised in Defendants' Motion for More Definite Statement [D.E. 127], the FAC further specifies what claims and issues are and are not being pursued on a class-wide basis. The FAC continues to seek class-wide relief for property damage associated with Defendants' contamination of the water supply in the Cape Fear River basin, which will include the costs of bottled water and increased water prices, the costs of remediating contamination, and compensation for the diminution in the value of their properties. With respect to the medical-expense component of Plaintiffs' claims, the Court ruled on Defendants' motion to dismiss that "plaintiffs, if entitled to recover at all, are entitled to recover for all injuries, past and prospective, sustained as a result of Defendants' wrongful and negligent acts. *Dickson v. Queen City Coach Co.*, 233 N.C. 167, 173, 63 S.E.2d 297, 302 (1951)." [D.E. 100 at 21]. In accordance with the Court's ruling, the trespass claim set forth

in the FAC seeks class-wide relief for the invasions of bodily integrity associated with Defendants' contamination of the water supply in the class area, *see* FAC ¶¶ 132, 182, including the costs of blood tests needed to ascertain the level of contaminants in class-members' blood. The FAC also seeks the class-wide adjudication of issues under Federal Rule of Civil Procedure 23(c)(4) relating to personal injuries that may have been sustained as a result of exposure to Defendants' contaminants. *See* FAC ¶¶ 140-48. As previously indicated in Plaintiffs' Opposition to Defendants' Motion for a More Definite Statement [D.E. 129], Plaintiffs *are not* seeking class-wide adjudication of the extent to which Defendants' conduct has affected the health of class members and resulted in other compensable personal injuries. The named Plaintiffs do intend to pursue their own individual personal injury claims. *See* FAC ¶¶ 149-85. Plaintiffs also reserve the right to propose and define subclasses later in this litigation if necessary and appropriate. Plaintiffs also, of course, may further seek leave to amend as additional facts are learned through discovery or otherwise as events unfold relating to Defendants' decades-long contamination of the water supply in the Cape Fear River basin with GenX and other toxic pollutants originating from the Fayetteville Works facility. A redline showing the changes from the January 31, Consolidated Class Action Complaint is attached hereto as Exhibit 1.

Dated: August 30, 2019

Respectfully submitted,

/s/ Theodore J. Leopold

Theodore J. Leopold

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CERTIFICATE OF SERVICE

I hereby certify that the undersigned electronically filed the foregoing document with the Clerk of Court using the ECF system, with notices of case activity to be generated and sent electronically to counsel of record who are registered to receive such service.

Dated: August 30, 2019

/s/ Steven Seigel
Steven Seigel